

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 02-2864

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United States of America,

Appellee,

v.

Leroy Sears,

Appellant.

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Appeal from the United States  
District Court for the  
District of Nebraska

[UNPUBLISHED]

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Submitted: February 7, 2003

Filed: March 5, 2003

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Before McMILLIAN, LOKEN, and MORRIS SHEPPARD ARNOLD,  
Circuit Judges.

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PER CURIAM.

Leroy Sears appeals from the final judgment entered in the District Court<sup>1</sup> for the District of Nebraska after the government moved to reduce his sentence under Fed. R. Crim. P. 35(b) following his conviction for conspiring to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. Initially the district court sentenced Sears to 90 months imprisonment and 5 years

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<sup>1</sup>The Honorable Warren K. Urbom, United States District Judge for the District of Nebraska.

supervised release. Sears's conviction and sentence were affirmed on appeal. Pursuant to the government's Rule 35(b) motion, the district court later reduced the sentence to 65 months imprisonment to be followed by 5 years supervised release. Sears now appeals the reduced sentence. His counsel has moved to withdraw, filing a brief under Anders v. California, 386 U.S. 738 (1967), and arguing that the reduction should have been greater.

This court lacks jurisdiction to review the extent of a departure made by a district court under Rule 35(b). See United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1998) (per curiam) (dismissing challenge to extent of Rule 35(b) reduction because appeal is not based on any criteria listed in 18 U.S.C. § 3742(a)). Accordingly, we dismiss this appeal for lack of jurisdiction, see id., and we grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.